S.B. Civil Misc. Appeal No.383/2001

Mumtaz Vs. LRs of Gomad Ram

22nd November, 2005

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. Sajjan Singh for appellant.
Mr. D.D. Chitlangii for respondent Bank.

Heard learned counsel for the parties.

This appeal under Order 43 Rule 1 CPC has been filed against the judgment and decree dated 03.03.2001 passed by learned Addl. District Judge No.2, Bikaner in Civil Appeal Decree No.4/2000 (80/85) whereby while setting aside the judgment and decree passed by Munsif, Nokha dated 22.01.1985 in Civil Suit No.2A/81, the matter has been remanded back to the trial Court.

In this appeal, a joint application has been moved by the counsel for both the

sides for grant of permission to compromise the matter stating that a compromise has been arrived at between the parties on 27.10.2005. A certified copy of the compromise has also been filed alongwith the application which is supported by an affidavit. Both the counsel have confirmed the fact of compromise entered into between the parties and have prayed for finally disposing of the matter as per the terms and conditions of the compromise.

I have carefully gone through the application as well as the compromise arrived at between the parties.

In view of the submissions made before me, I find it reasonable and proper to grant permission to take the attested certified copy of compromise dated 27.10.2005 on record.

In view of above, now there remains nothing to be decided in this appeal. The appeal has become infructuous and is therefore

disposed of as such. The record received be sent expeditiously before 09.12.2005 alongwith the copy of this order.

(SATYA PRAKASH PATHAK),J.